

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 216, between lines 31 and 32, begin a new paragraph and
2 insert:
3 "SECTION 206. IC 20-20-36 IS ADDED TO THE INDIANA
4 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2008]:
6 **Chapter 36. School Building Plans**
7 **Sec. 1. (a) The department shall develop a series of standardized**
8 **plans for:**
9 **(1) new school facilities; and**
10 **(2) renovations and expansions of existing school facilities.**
11 **(b) The plans must be for school facilities of different:**
12 **(1) sizes based upon pupil enrollment; and**
13 **(2) types, including grade levels.**
14 **Sec. 2. (a) The plans developed under this chapter must be based**
15 **on designs for school facilities that:**
16 **(1) are economical to construct and maintain;**
17 **(2) are energy efficient;**
18 **(3) provide for efficient long term maintenance;**
19 **(4) provide adequately for the health and safety of pupils and**
20 **teachers; and**
21 **(5) comply with federal and state laws.**
22 **(b) The plans developed under this chapter must set forth the**
23 **estimated cost per square foot to construct the school facilities.**
24 **Sec. 3. The department may employ or contract with architects,**

1 engineers, and other professionals to develop plans under this
2 chapter.

3 **Sec. 4. The department may modify plans developed under this**
4 **chapter when necessary.**

5 **Sec. 5. Before a plan developed under this chapter may be**
6 **provided to a school corporation, the plan must:**

- 7 (1) include specifications for materials and labor; and
- 8 (2) be ready to be bid for construction.

9 **Sec. 6. The department shall:**

- 10 (1) notify each school corporation of the plans developed
- 11 under this chapter; and
- 12 (2) make the plans available to a school corporation upon
- 13 request.

14 SECTION 207. IC 20-26-5-4, AS AMENDED BY P.L.168-2006,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2008]: Sec. 4. In carrying out the school purposes of a school
17 corporation, the governing body acting on the school corporation's
18 behalf has the following specific powers:

- 19 (1) In the name of the school corporation, to sue and be sued and
- 20 to enter into contracts in matters permitted by applicable law.
- 21 (2) To take charge of, manage, and conduct the educational affairs
- 22 of the school corporation and to establish, locate, and provide the
- 23 necessary schools, school libraries, other libraries where
- 24 permitted by law, other buildings, facilities, property, and
- 25 equipment.
- 26 (3) To appropriate from the school corporation's general fund an
- 27 amount, not to exceed the greater of three thousand dollars
- 28 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
- 29 exceed twelve thousand five hundred dollars (\$12,500), based on
- 30 the school corporation's previous year's ADM, to promote the best
- 31 interests of the school corporation through:
 - 32 (A) the purchase of meals, decorations, memorabilia, or
 - 33 awards;
 - 34 (B) provision for expenses incurred in interviewing job
 - 35 applicants; or
 - 36 (C) developing relations with other governmental units.

37 (4) **Subject to IC 20-26-7-45**, to:

- 38 (A) Acquire, construct, erect, maintain, hold, and contract for
- 39 construction, erection, or maintenance of real estate, real estate
- 40 improvements, or an interest in real estate or real estate
- 41 improvements, as the governing body considers necessary for
- 42 school purposes, including buildings, parts of buildings,
- 43 additions to buildings, rooms, gymnasiums, auditoriums,
- 44 playgrounds, playing and athletic fields, facilities for physical
- 45 training, buildings for administrative, office, warehouse, repair
- 46 activities, or housing school owned buses, landscaping, walks,

1 drives, parking areas, roadways, easements and facilities for
 2 power, sewer, water, roadway, access, storm and surface
 3 water, drinking water, gas, electricity, other utilities and
 4 similar purposes, by purchase, either outright for cash (or
 5 under conditional sales or purchase money contracts providing
 6 for a retention of a security interest by the seller until payment
 7 is made or by notes where the contract, security retention, or
 8 note is permitted by applicable law), by exchange, by gift, by
 9 devise, by eminent domain, by lease with or without option to
 10 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 11 IC 20-47-5.

12 (B) Repair, remodel, remove, or demolish, or to contract for
 13 the repair, remodeling, removal, or demolition of the real
 14 estate, real estate improvements, or interest in the real estate
 15 or real estate improvements, as the governing body considers
 16 necessary for school purposes.

17 (C) Provide for conservation measures through utility
 18 efficiency programs or under a guaranteed savings contract as
 19 described in IC 36-1-12.5.

20 (5) To acquire personal property or an interest in personal
 21 property as the governing body considers necessary for school
 22 purposes, including buses, motor vehicles, equipment, apparatus,
 23 appliances, books, furniture, and supplies, either by cash purchase
 24 or under conditional sales or purchase money contracts providing
 25 for a security interest by the seller until payment is made or by
 26 notes where the contract, security, retention, or note is permitted
 27 by applicable law, by gift, by devise, by loan, or by lease with or
 28 without option to purchase and to repair, remodel, remove,
 29 relocate, and demolish the personal property. All purchases and
 30 contracts specified under the powers authorized under subdivision
 31 (4) and this subdivision are subject solely to applicable law
 32 relating to purchases and contracting by municipal corporations
 33 in general and to the supervisory control of state agencies as
 34 provided in section 6 of this chapter.

35 (6) To sell or exchange real or personal property or interest in real
 36 or personal property that, in the opinion of the governing body, is
 37 not necessary for school purposes, in accordance with IC 20-26-7,
 38 to demolish or otherwise dispose of the property if, in the opinion
 39 of the governing body, the property is not necessary for school
 40 purposes and is worthless, and to pay the expenses for the
 41 demolition or disposition.

42 (7) To lease any school property for a rental that the governing
 43 body considers reasonable or to permit the free use of school
 44 property for:

45 (A) civic or public purposes; or

46 (B) the operation of a school age child care program for

1 children who are at least five (5) years of age and less than
 2 fifteen (15) years of age that operates before or after the school
 3 day, or both, and during periods when school is not in session;
 4 if the property is not needed for school purposes. Under this
 5 subdivision, the governing body may enter into a long term lease
 6 with a nonprofit corporation, community service organization, or
 7 other governmental entity, if the corporation, organization, or
 8 other governmental entity will use the property to be leased for
 9 civic or public purposes or for a school age child care program.
 10 However, if payment for the property subject to a long term lease
 11 is made from money in the school corporation's debt service fund,
 12 all proceeds from the long term lease must be deposited in the
 13 school corporation's debt service fund so long as payment for the
 14 property has not been made. The governing body may, at the
 15 governing body's option, use the procedure specified in
 16 IC 36-1-11-10 in leasing property under this subdivision.

17 (8) To:

18 (A) Employ, contract for, and discharge superintendents,
 19 supervisors, principals, teachers, librarians, athletic coaches
 20 (whether or not they are otherwise employed by the school
 21 corporation and whether or not they are licensed under
 22 IC 20-28-5), business managers, superintendents of buildings
 23 and grounds, janitors, engineers, architects, physicians,
 24 dentists, nurses, accountants, teacher aides performing
 25 noninstructional duties, educational and other professional
 26 consultants, data processing and computer service for school
 27 purposes, including the making of schedules, the keeping and
 28 analyzing of grades and other student data, the keeping and
 29 preparing of warrants, payroll, and similar data where
 30 approved by the state board of accounts as provided below,
 31 and other personnel or services as the governing body
 32 considers necessary for school purposes.

33 (B) Fix and pay the salaries and compensation of persons and
 34 services described in this subdivision.

35 (C) Classify persons or services described in this subdivision
 36 and to adopt schedules of salaries or compensation.

37 (D) Determine the number of the persons or the amount of the
 38 services employed or contracted for as provided in this
 39 subdivision.

40 (E) Determine the nature and extent of the duties of the
 41 persons described in this subdivision.

42 The compensation, terms of employment, and discharge of
 43 teachers are, however, subject to and governed by the laws
 44 relating to employment, contracting, compensation, and discharge
 45 of teachers. The compensation, terms of employment, and
 46 discharge of bus drivers are subject to and governed by laws

1 relating to employment, contracting, compensation, and discharge
2 of bus drivers. The forms and procedures relating to the use of
3 computer and data processing equipment in handling the financial
4 affairs of the school corporation must be submitted to the state
5 board of accounts for approval so that the services are used by the
6 school corporation when the governing body determines that it is
7 in the best interest of the school corporation while at the same
8 time providing reasonable accountability for the funds expended.

9 (9) Notwithstanding the appropriation limitation in subdivision
10 (3), when the governing body by resolution considers a trip by an
11 employee of the school corporation or by a member of the
12 governing body to be in the interest of the school corporation,
13 including attending meetings, conferences, or examining
14 equipment, buildings, and installation in other areas, to permit the
15 employee to be absent in connection with the trip without any loss
16 in pay and to reimburse the employee or the member the
17 employee's or member's reasonable lodging and meal expenses
18 and necessary transportation expenses. To pay teaching personnel
19 for time spent in sponsoring and working with school related trips
20 or activities.

21 (10) To transport children to and from school, when in the
22 opinion of the governing body the transportation is necessary,
23 including considerations for the safety of the children and without
24 regard to the distance the children live from the school. The
25 transportation must be otherwise in accordance with applicable
26 law.

27 (11) To provide a lunch program for a part or all of the students
28 attending the schools of the school corporation, including the
29 establishment of kitchens, kitchen facilities, kitchen equipment,
30 lunch rooms, the hiring of the necessary personnel to operate the
31 lunch program, and the purchase of material and supplies for the
32 lunch program, charging students for the operational costs of the
33 lunch program, fixing the price per meal or per food item. To
34 operate the lunch program as an extracurricular activity, subject
35 to the supervision of the governing body. To participate in a
36 surplus commodity or lunch aid program.

37 (12) To purchase textbooks, to furnish textbooks without cost or
38 to rent textbooks to students, to participate in a textbook aid
39 program, all in accordance with applicable law.

40 (13) To accept students transferred from other school corporations
41 and to transfer students to other school corporations in accordance
42 with applicable law.

43 (14) To make budgets, to appropriate funds, and to disburse the
44 money of the school corporation in accordance with applicable
45 law. To borrow money against current tax collections and
46 otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the

- 1 operation of the governing body; and
- 2 (B) that may be designated by an appropriate title such as
- 3 "policy handbook", "bylaws", or "rules and regulations".
- 4 (19) To ratify and approve any action taken by a member of the
- 5 governing body, an officer of the governing body, or an employee
- 6 of the school corporation after the action is taken, if the action
- 7 could have been approved in advance, and in connection with the
- 8 action to pay the expense or compensation permitted under
- 9 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
- 10 IC 20-48-1 or any other law.
- 11 (20) To exercise any other power and make any expenditure in
- 12 carrying out the governing body's general powers and purposes
- 13 provided in this chapter or in carrying out the powers delineated
- 14 in this section which is reasonable from a business or educational
- 15 standpoint in carrying out school purposes of the school
- 16 corporation, including the acquisition of property or the
- 17 employment or contracting for services, even though the power or
- 18 expenditure is not specifically set out in this chapter. The specific
- 19 powers set out in this section do not limit the general grant of
- 20 powers provided in this chapter except where a limitation is set
- 21 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
- 22 and IC 20-48-1 by specific language or by reference to other law.
- 23 **SECTION 208. IC 20-26-7-45 IS ADDED TO THE INDIANA**
- 24 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 25 **[EFFECTIVE JULY 1, 2008]: Sec. 45. (a) After June 30, 2009, if a**
- 26 **governing body determines that it is necessary to:**
- 27 **(1) construct a new school facility; or**
- 28 **(2) either:**
- 29 **(A) renovate; or**
- 30 **(B) expand;**
- 31 **an existing school facility;**
- 32 **the governing body shall acquire from the department the plans**
- 33 **developed under IC 20-20-36 for a facility of the size and type that**
- 34 **the governing body proposes to build, renovate, or expand.**
- 35 **(b) The governing body may carry out the construction,**
- 36 **renovation, or expansion of a school facility only if plans developed**
- 37 **under IC 20-20-36 are used for the construction, renovation, or**
- 38 **expansion."**
- 39 Page 246, between lines 26 and 27, begin a new paragraph and
- 40 insert:
- 41 "SECTION 248. [EFFECTIVE JULY 1, 2008] **(a) The department**
- 42 **of education shall develop the school facility plans required under**
- 43 **IC 20-20-36, as added by this act, not later than June 30, 2009.**
- 44 **(b) This SECTION expires July 1, 2009."**
- 45 Renumber all SECTIONS consecutively.
- (Reference is to HB 1001 as printed January 17, 2008).

Representative Leonard